



## The Corporation of the Town of Essex

### Policy Manual

<b>Section:</b>	<b>Corporate</b>
<b>Subject:</b>	<b>AODA Integrated Accessibility Standards Regulation– Employment Standard Policy</b>
<b>Policy Number:</b>	<b>022</b>
<b>Approval Date:</b>	<b>January 13, 2014 (R14-01-009)</b>
<b>Approved By:</b>	<b>Council</b>
<b>Prepared By:</b>	<b>Manager, Human Resources</b>

### Purpose

This policy is intended to meet the requirements of the Integrated Accessibility Standards, Ontario Regulation 191/11 for the Employment Standard set forth under the Accessibility for Ontarians with Disabilities Act, 2005. This policy applies to the provision of accessible employment services for people with disabilities. This policy has been created to provide a framework within which accessibility plans and initiatives are to be created in order to move the Town towards the goal of improved accessibility for people with disabilities, specifically with regard to the employment standard in the Integrated Regulation.

### Policy Statement

1. The Corporation of the Town of Essex (the “Town”) is committed to and guided by the four core principles of independence, dignity, integration and equality of opportunity and supports the full inclusion of persons as set out in the Canadian Charter of Rights and Freedoms and the Accessibility for Ontarians with Disabilities Act, 2005. The Town shall use every effort to ensure that it meets the needs of

- people with disabilities, in a timely manner, through the implementation of this policy.
2. The Town is committed to ensuring that people with disabilities have the same opportunity of access to employment opportunities and related services as do all prospective employees and current employees.
  3. The Town is committed to meeting the accessibility needs of people with disabilities in a timely manner, in its human resources practices, processes, policies and procedures and employment related services.
  4. The commitments in this policy are intended to ensure that accessibility remains a priority in the Town's decision-making process and will serve to assist in ensuring that decisions improve accessibility and do not inadvertently create barriers.

## Scope

This policy applies to all applicants, prospective employees and current employees of the Town. This policy does not apply to unpaid volunteers and other unpaid individuals.

### Definitions

**Accessible Formats** may include, but are not limited to, large print, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities.

**Accommodation** means the special arrangements made or assistance provided so that persons with disabilities can participate in the experiences available to persons without disabilities and may vary depending on the person's unique needs.

**Career development and advancement** includes providing additional responsibilities within an employee's current position or the movement of an employee from one job to another that may be higher in pay, provide greater responsibility or be at a higher level in

the organization or any combination of them and, for both additional responsibilities and employee movement, is usually based on merit or seniority, or a combination of them.

**Communication Supports** may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

**Disability** as defined in the Ontario **Human Rights Code** means:

1. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
2. a condition of mental impairment or developmental disability;
3. learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
4. a mental disorder; or
5. an injury or disability for which benefits were claimed or received under the insurance plan established under the **Workplace Safety and Insurance Act, 1997**.

**Employee(s)** for purposes of this policy means all regularly paid full-time, part-time, firefighters, and temporary employees of the Town.

**Performance management** means activities related to assessing and improving employee performance, productivity and effectiveness with the goal of facilitating employee success.

**Persons with disabilities** are individuals who have a disability as defined under the Ontario **Human Rights Code**.

**Redeployment** means the reassignment of employees to other departments or jobs as an alternate to layoff when a particular job or department has been eliminated by the organization.

## **Responsibility**

- 1.0 It is the responsibility of managers and directors to ensure that all employees follow the guidelines set out in this policy.
- 2.0 Each manager and director is responsible to ensure all employees are trained under the provisions of the Ontario **Human Rights Code** and the Employment Standard of the Integrated Regulation and this policy, as well as the Town's employment practices and procedures.
- 3.0 Management staff and other staff who have responsibility for recruiting, hiring and employee selection and/or supervise the work of employees will ensure that the provisions in this policy are implemented.
- 4.0 Management will identify and remove any employment practices or selection criteria that may result in employment barriers for any individual or group.
- 5.0 The Manager, Human Resources will ensure that the provisions of this procedure are incorporated in Town policies and practices and ensure accessibility and accommodation is provided (as needed) for candidates.
- 6.0 The Town shall provide updated information to its employees whenever there is a change to existing policies on the provision of job accommodation that take into account an employee's accessibility needs due to disability.

## **General Principles**

In accordance with the Integrated Accessibility Standards, Ontario Regulation 191/11, this policy addresses the following:

- A. Recruitment, Assessment and Selection
- B. Accessible Formats and Communication Supports for Employees
- C. Documented Individual Accommodation Plans
- D. Workplace Emergency Response Information Plan
- E. Performance Management
- F. Career Development and Advancement
- G. Redeployment
- H. Return to Work

### **A. Recruitment, Assessment and Selection**

- 1.0 The Town will notify current employees and the public about the availability of accommodation in its recruitment, assessment and selection process for job applicants who have disabilities. Notice of the availability of accommodation will be displayed on all internal job postings and on the Town website.
- 2.0 Applicants selected to participate in an assessment or selection process will be informed that accommodations are available, upon request, for the interview process and other candidate selection methods.
- 3.0 If an applicant requests an accommodation during the selection process, the Town will consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability.

- 4.0 The Town will notify the successful applicant(s) of the policies and supports for accommodating people with disabilities.

## **B. Accessible Formats and Communication Supports for Employees**

- 1.0 Where an employee with a disability requests it, the Town will consult with the employee to provide or arrange for the provision of accessible formats and communication supports for:
- information that is needed in order to perform the employee's job;
  - information that is generally available to employees in the workplace; and
  - consult with the employee making the request in determining the suitability of an accessible format or communication support.
- 2.0 The Town shall consult with the employee making the request to determine the suitability of an accessible format or communication support.
- 3.0 The Town will provide accessible formats and communication supports in a timely manner, taking into account the employee's accessibility needs. The time frame for the conversion process of a document into an accessible format, or the provision of a communication support can vary depending on the media chosen, the size, complexity, quality of source documents, and number of documents to be converted. Documents shall be returned in a timely manner depending on the factors previously noted.
- 4.0 If the information requested is unconvertible, the employee will be provided with a written explanation as to why the information or communication is unconvertible and a summary of the unconvertible information or communication.

## **C. Documentation of Individual Accommodation Plans**

1.0 The Town has developed and has in place a written process for the development of documented individual accommodation plans for employees with disabilities.

2.0 Documented individual accommodation plans shall include the following elements:

- the manner in which the employee requesting accommodation can participate in the development of the individual accommodation plan;
- the means by which the employee is accessed on an individual basis;
- the manner in which the Town can request an evaluation by an outside medical or other expert, at the employer's expense, to determine if and how accommodation can be achieved;
- the manner in which the employee can request the participation of a representative from their bargaining agent, where the employee is represented by a bargaining agent by a bargaining agent, in the development of the accommodation plan;
- the steps to be taken to protect the privacy of the employee's personal information;
- the frequency with which the individual accommodation plan will be reviewed and updated and the manner in which it will be done;
- if an individual accommodation plan is denied, the manner in which the reasons for the denial will be provided to the employee; and
- the means of providing the individual accommodation plan in a format that takes into account the employee's accessibility needs due to disability.

3.0 Individual accommodation plans shall:

- if requested, include any information regarding accessible formats and communication supports provided;
- if requested, include individualized workplace emergency response information plans; and
- identify any other accommodation that is to be provided.

## **Process**

1.0 Upon request, the Town will develop a documented individual accommodation plan (IAP) for employees with a disability.

2.0 The request for accommodation will be made in writing to the employee's immediate supervisor and shall:

- describe the condition or circumstances causing the accommodation issue; and
- describe, in detail, the accommodation sought to address the need.

3.0 To facilitate the assessment and determination of the accommodation, the employee is required to participate in the development of the accommodation plan and provide relevant medical information to the Town. Employees seeking accommodation are expected to provide their fullest cooperation in providing any information or medical assessments relevant to determination of the accommodation request.

4.0 The manager/director and the manager of Human Resources will jointly assess the accommodation issue in light of the information provided and the individual needs of the employee. During the assessment phase, the Town reserves the right to require supporting information and documentation, including relevant medical information or opinions that will assist in determining appropriate accommodation. The Town may request that the employee participate in a formal

needs assessment by a qualified medical practitioner or other trained professional at the Town's expense, in order to assist in determining what accommodation is needed, how much it will cost and how it can be provided. The employee may request the participation of a representative from their bargaining unit where represented, or otherwise a representative from the workplace where the employee is not represented by a bargaining agent, in the development of the plan.

- 5.0 The manager/director and the manager of Human Resources will jointly finalize a decision regarding the accommodation issue. The employee will be notified in writing or other format as required by the employee's disability, the decisions and the reason(s) for the decision.
- 6.0 If approved, the IAP will be provided in a format that takes into account the employee's needs due to disability.
- 7.0 If the employee is not satisfied with the IAP, the employee may appeal the decision to the Chief Administrative Officer for review.
- 8.0 The Town will ensure that the employee's personal medical information shall be kept confidential and only disclosed to those necessary in the assessment and development of the accommodation plan.
- 9.0 The Town will review the employee's individual accommodation plan when the need arises.

#### **D. Workplace Emergency Response Information Plan**

- 1.0 The Town will meet with and create an individualized workplace emergency response information plan for an employee who has a disability, if the disability is such that the individualized information is necessary and the Town is aware of the need for accommodation due to the employee's disability.

- 2.0 If the employee who receives the individualized workplace emergency response information plan requires assistance and with the employee's consent, the Town shall provide the workplace emergency response information plan to the person designated by the Town to provide assistance to the employee.
- 3.0 The Town shall provide the information plan as soon as practicable after becoming aware of the need for accommodation due to the employee's disability.
- 4.0 The workplace emergency response information plan will be reviewed:
- when the employee moves to a different location in the organization;
  - when the employee's overall accommodation needs or plans are reviewed; and
  - when the Town reviews its general emergency response policies.

## **E. Performance Management**

The Town, when using performance management in respect to its employees, will take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans.

## **F. Career Development and Advancement**

The Town, when providing career development and advancement to its employees, will take into account the accessibility needs of employees with disabilities, as well as any individual accommodation plans.

## **G. Redeployment**

The Town, when enacting redeployment, will take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans.

## **H. Return to Work**

- 1.0 The Town is committed to:

- providing a safe and healthy work environment and in the event of a work related or non-work related injury or illness that fits the definition of disability under the Ontario **Human Rights Code, Workplace Safety and Insurance Act** and the **Accommodation of Ontarians with Disabilities Act**, making sure workplace rehabilitation is started as soon as possible in accordance with the medical advice (when applicable).
  - trying to facilitate a safe and early return to work of injured and ill employees by identifying duties that are appropriate to their grade and function where possible. These duties will be medically approved (when necessary), time limited (if applicable) or permanent (if the employee can continue to perform the essential duties of the job with or without accommodation).
  - respecting the confidential nature of medical information and ensuring there will be both verbal and written confidentiality.
  - ensuring all employees are aware that, in the event of injury or illness, they will be consulted to develop their rehabilitation and return-to-work plan that will not disadvantage them.
- 2.0 As part of its disability management program, the Town has developed an injury management program and return to work policy (Health and Safety Policy 12-01) for work related injuries and illnesses.
- 3.0 The return to work procedure outlined in Health and Safety Policy 12-01, Injury Management Program and Return to Work Policy, will be followed for both work related and non-work related injuries and illnesses applying steps involving the Workplace Insurance and Safety Board where applicable.

## References and Related Documents

- Ontarians with Disabilities Act, 2005,

- Ontario Human Rights Code, 1990,
- Ontario Regulation 191/11,
- Ontario Regulation 413/12,
- Town of Essex – Hiring of Employees Policy #15
- Town of Essex Health and Safety Policy 12-01 Injury Management Program and Return to Work Policy